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**REMARKS**

The Applicants and the undersigned thank Examiner Garg for his time and consideration given during the telephonic interview of January 18, 2006. The Applicants also appreciate the Examiner's careful review of this application.

Consideration of the claim amendments above and the remarks below is respectfully requested. Upon entry of this amendment, Claims 1-78 have been cancelled while Claims 79-98 (twenty in number) remain pending in this application. Claims 79, 86, and 93 are the independent claims. Entry and consideration of this amendment and remarks are respectfully requested.

**Summary of Telephonic Interview Conducted on January 18, 2006**

The Applicants and the undersigned extend their gratitude to Examiner Garg for the telephonic interview conducted with the Examiner on January 18, 2006. During the telephonic interview, the Applicants' representative and the Examiner discussed a proposed amendment that was sent to the Examiner prior to the interview.

During the telephonic interview, the Applicants explained how the steps recited in Claim 79 correspond to those steps illustrated in Figure 8. Further, it was explained how U.S. Pat. No. 5,758,328 issued in the name of Giovannoli (hereinafter, the "Giovannoli" reference) does not teach every element of amended independent Claim 79. The Applicants explained how the Giovannoli reference does not describe the combination of: (a) in response to receiving the selection of the task, forming a second list with a first computer and stored in memory on the first computer that identifies a set of qualified home service providers with the first computer, (b) the second list comprising home service providers from the database who match the selected task; (c) selecting home service providers from the second list with the first computer based upon historical acceptance of consumer leads (d) that tracks types of services associated with the consumer leads and are accepted by the home service providers (e) to form a third list stored in memory on the first computer; (f) creating a fair and balanced distribution of consumer leads by selecting home service providers from the third list with the first computer who have a least number of consumer leads that were made available to the home service providers to form a fourth list; and (g) transmitting the fourth list over the

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computer network with the first computer to the second computer, (h) the fourth list comprising one or more home service providers with the least number of consumer leads that were made available to the home service providers.

Examiner Garg indicated that the Applicants had overcome the 35 U.S.C. § 101 rejection by claiming the computer context of the invention. Examiner Garg requested that the Applicants identify the pages and drawings of the original patent application in the formal response that support the claim amendments. Examiner Garg also had some suggestions to the Applicants' proposed claim language (which have been adopted in this paper).

Examiner Garg indicated that he understood the concepts behind the Applicants proposed claim amendment. He also stated that an update search would need to be conducted upon submission of the claim amendments in a formal response by the Applicants.

The Applicants and the undersigned request Examiner Garg to review this interview summary and to approve it by writing "Interview Record OK" along with his initials and the date next to this summary in the margin as discussed in MPEP § 713.04, p. 700-202.

#### Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected Claims 79-92 under 35 U.S.C. § 101 because the Examiner believed that the claimed invention was directed to non-statutory subject matter. In response to the Examiner's rejection and the Examiner's comments made during the telephonic interview of January 18, 2006, the Applicants have amended the independent claims to satisfy the "Technological Arts" requirement. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

#### Claim Rejections Under 35 U.S.C. §§ 102 & 103

The Examiner rejected Claims 79-81, 83, 85-88, 90, and 92-98 under 35 U.S.C. § 102(e) as being anticipated by the Giovannoli reference. The Examiner rejected Claims 82, 84, 89, and 91 under 35 U.S.C. § 103(a) as being unpatentable over the Giovannoli reference in view of the following four publications: (1) "Improvenet Matches

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Homeowners, Contractor," authored by Bill Rumbler, Chicago Sun-Times, May 2, 1999, page 3 (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference U); (2) "Way to Find Contractor Just Improved Greatly," authored by Joesph Szadkowski, Washington, March 11, 1999, page E3 (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference V); (3) "Homeowners Find Contractors on the Internet," authored by Beth Belton, USA Today, Arlington, April 13, 1999, page 02B (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference W); (4) "www://web.archive.org/web/\*/www.Improvenet.com [Internet archiving program], retrieved on November 3, 2002 <Internet>, December 21, 1996 - November 26, 2002 (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference X). The Applicants will refer to these four publications noted above collectively as the "Improvenet publications."

The Applicants respectfully offer remarks to traverse these pending rejections. The Applicants will address each independent claim separately as the Applicants believe that each independent claim is separately patentable over the prior art of record.

#### Independent Claim 79

It is respectfully submitted that the Giovannoli reference and the Improvenet publications fail to describe, teach, or suggest the combination of (1) creating a database with a first computer comprising home service providers and data for tracking a historical acceptance of consumer leads by each home service provider; (2) receiving information relating to a home service over a computer network with the first computer from a second computer; (3) in response to receiving the information, providing a first list with the first computer comprising tasks that relate to skills of home service providers; (4) receiving a selection of a task from the first list over the computer network from the second computer; (6) in response to receiving the selection of the task, forming a second list with the first computer and stored in memory on the first computer that identifies a set of qualified home service providers with the first computer, (7) the second list comprising home service providers from the database who match the selected task; (8) selecting home service providers from the second list with the first computer based upon historical acceptance of consumer leads (9) that tracks types of services associated with the

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consumer leads and are accepted by the home service providers to form a third list stored in memory on the first computer; (10) creating a fair and balanced distribution of consumer leads by selecting home service providers from the third list with the first computer who have a least number of consumer leads that were made available to the home service providers to form a fourth list; and (11) transmitting the fourth list over the computer network with the first computer to the second computer, (12) the fourth list comprising one or more home service providers with the least number of consumer leads that were made available to the home service providers, as recited in amended independent Claim 79.

**Mapping of Amended Claims to Original Text and Drawings Filed by Applicants**

In response to the Examiner's request made during the telephonic interview of January 18, 2006 to provide a mapping of the claim elements to the original text and drawings, the Applicants submit the following three tables:

Table 1 - Mapping for Independent Claim 79

Step in Claim 79	Step in Figure 8	Corresponding Text in Original Patent Application
"creating a database..."	802	Page 24, lines 15-18.
"receiving information relating to a home service..."	803	Page 24, lines 22-24.
"in response to receiving the information..."	803	Page 24, lines 22-24, Consumer Service Request (CSR); Appendix page 46.
"receiving a selection of a task..."	803	Page 24, lines 22-24, CSR; Appendix page 46.
"in response to receiving the selection of the task..."	805	Page 25, lines 10-13
"selecting home service providers from the second list..."	809	Page 25, lines 19-25.
"creating a fair and balanced distribution of consumer leads..."	810	Page 26, lines 3-5.
"transmitting the fourth list..."	812	Page 26, lines 10-11.

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Table 2 - Mapping for Independent Claim 86

Step in Claim 86	Step in Figure 8	Corresponding Text in Original Patent Application
"receiving background information..."	802	Page 24, lines 15-18.
"monitoring a historical acceptance..."	809	Page 25, lines 19-25.
"creating a database of home service providers..."	802	Page 24, lines 15-18.
"receiving information relating to a home service..."	803	Page 24, lines 22-24, Consumer Service Request (CSR); Appendix page 46.
"in response to receiving the information from the second computer"	803	Page 24, lines 22-24, CSR; Appendix page 46.
"receiving a selection of a task..."	803	CSR; Appendix page 46.
"in response to receiving the selection of the task..."	805	Page 25, lines 10-13
"selecting home service providers from the first dataset..."	809	Page 25, lines 19-25.
"creating a fair and balanced distribution of consumer leads..."	810	Page 26, lines 3-5.

Table 3 - Mapping for Independent Claim 93

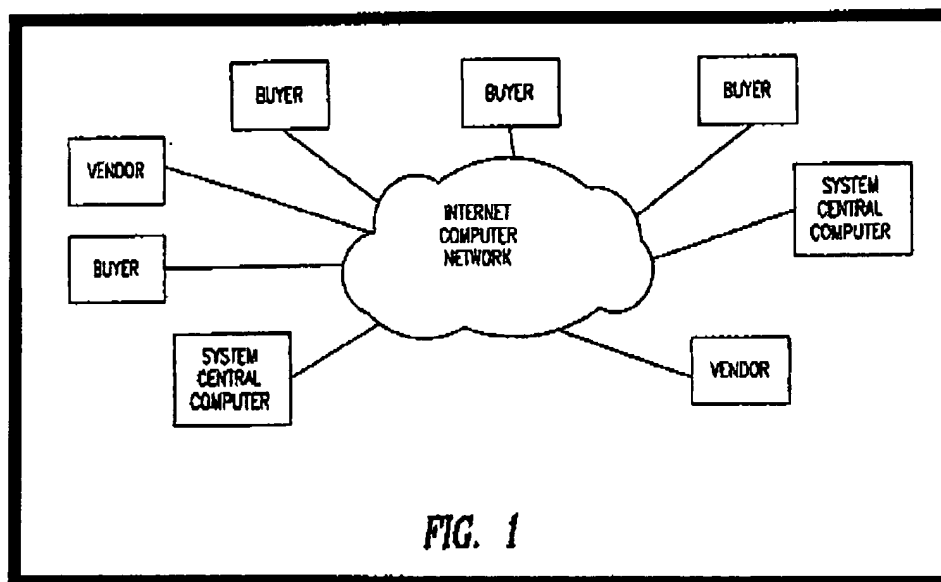
Step in Claim 93	Step in Figure 8	Corresponding Text in Original Patent Application
"receiving information relating to a home service..."	803	Page 24, lines 22-24, Consumer Service Request (CSR); Appendix page 46.
"in response to receiving the information from the second computer"	803	Page 24, lines 22-24, CSR; Appendix page 46.
"receiving a selection of a task..."	803	CSR; Appendix page 46.
"in response to receiving the selection of the task..."	805	Page 25, lines 10-13
"selecting home service providers from the first dataset..."	809	Page 25, lines 19-25.
"creating a fair and balanced distribution of consumer leads..."	810	Page 26, lines 3-5.

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The Giovannoli Reference

The Giovannoli reference describes a system that processes requests for quotation for goods and/or services from a buyer or supplier of goods and/or services through a computerized system forming a computer based communications network. The computer network links buyers to suppliers with the computerized system and the system has at least one central processing unit including operating system software for controlling the central processing unit and storage means containing the identification of the network members.

The computerized system receives a buyer's request for quotation (RFQ) over a communication network like the Internet and the system selects one or more appropriate vendors to receive the buyer's request for quotation based on computer filter conditions. These filter conditions can be set by the buyer or the vendor (or both). The system can transmit buyer's request for quotation to the selected vendors over the communications network. With the system, the selected vendors can communicate their quotations either directly to the buyer or to the computerized system which in turn makes available or transmits the received quotations to the requesting buyer. See the Giovannoli reference, column 2, lines 51-68 and Figure 1 reproduced below.



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The Giovannoli reference explains that part of the process of selecting its vendors involves quotation system business arrangements and other considerations. The reference further explains that an example of this would be providing vendors varying categories of service which may require prioritizing the vendors according to a formula. In this way, by the category of service they choose, vendors may determine the percentage of RFQs they receive from a given number received by the quotation system. See Giovannoli reference, column 5, lines 21-36.

The Applicants respectfully submit that the selection process of the Giovannoli reference is not equivalent to or close to the processing steps being claimed in amended independent Claim 79. The Giovannoli reference does not provide any teaching of (a) selecting home service providers from a second list with the first computer based upon historical acceptance of consumer leads (b) that tracks types of services associated with the consumer leads and are accepted by the home service providers to form a third list stored in memory on the first computer; (c) creating a fair and balanced distribution of consumer leads by selecting home service providers from the third list with the first computer who have a least number of consumer leads that were made available to the home service providers to form a fourth list; and (d) transmitting the fourth list over the computer network with the first computer to the second computer, (e) the fourth list comprising one or more home service providers with the least number of consumer leads that were made available to the home service providers, as recited in amended independent Claim 79.

#### The Improvenet Publications

The Examiner admits that the Giovannoli reference does not provide any teaching of selecting service providers based upon past response times by service providers. To make up for this deficiency, the Examiner relies upon the Improvenet publications. The Improvenet publications generally describe a website that allows a consumer to find a home contractor over the Internet. Reference U of the Improvenet publications generally describes the process:

"After you log in with ImproveNet, you're asked about your project (kitchen remodeling, room addition, etc.), what you estimate the cost to be and when you want to get

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started. ImproveNet submits your job description (but not your name) to local contractors. Those who are interested in the project (as many as four) pay 6\$ each to ImproveNet." Reference U, page 1, Abstract, third paragraph; page 2, eighth paragraph.

Reference V of the Improvenet publications also generally describes the process:

"The process is fairly simple. The homeowner provides some basic information, including a text description of the project, approximate square footage of the space involved and an estimated budget. ImproveNet compares that information with its list of more than 600,000 pre-screened contractors, designers, and architects...

...If the professionals identified by ImproveNet are interested in being considered for a particular job, their names, e-mail addresses and phone numbers are sent to the inquiring homeowner." (Reference V, page 1, Abstract, second paragraph; page 1, third and fifth paragraphs.)

As the Applicants have noted in their previous response, while the Improvenet publications describe a technology in the same field of the Applicants technology, these publications do not provide enabling details for Improvnet's matching process. Further, these publications do not provide any teaching of (a) selecting home service providers from a second list with the first computer based upon historical acceptance of consumer leads (b) that tracks types of services associated with the consumer leads and are accepted by the home service providers to form a third list stored in memory on the first computer; (c) creating a fair and balanced distribution of consumer leads by selecting home service providers from the third list with the first computer who have a least number of consumer leads that were made available to the home service providers to form a fourth list; and (d) transmitting the fourth list over the computer network with the first computer to the second computer, (e) the fourth list comprising one or more home service providers with the least number of consumer leads that were made available to the home service providers, as recited in amended independent Claim 79.

In light of the differences between amended Claim 79 and the Giovannoli and Improvenet Publications, one of ordinary skill in the art recognizes that the broadest, reasonable interpretation of these references cannot anticipate or render obvious the



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recitations as set forth in amended independent Claim 79. Accordingly, consideration and an indication that Claim 79 is allowable over the prior art are respectfully requested.

Independent Claim 86

It is respectfully submitted that the Improvenet publications fail to describe, teach, or suggest the combination of (1) receiving background information from home service providers with a first computer; (2) monitoring a historical acceptance of consumer leads with the first computer that tracks types of services associated with the consumer leads and are accepted by each home service provider; (3) creating a database of home service providers stored in a first computer based on the background information received from the home service providers; (4) receiving information relating to a home service from a second computer; (6) in response to receiving the information from the second computer, providing a menu with the first computer comprising tasks that relate to skills of home service providers; (7) receiving a selection of a task from the menu by the second computer; (8) in response to receiving the selection of the task, forming a first dataset with the first computer and stored in memory on the first computer that identifies a set of qualified home service providers, the first dataset comprising home service providers from the database who match the selected task; (9) selecting home service providers from the first dataset with the first computer based upon the historical acceptance of consumer leads by home service providers to form a second dataset stored in memory in the first computer; and (10) creating a fair and balanced distribution of consumer leads by selecting home service providers from the second dataset with the first computer who have a least number of consumer leads that were made available to the home service providers to form a third dataset, as recited in amended independent Claim 86.

Similar to independent Claim 79, the Giovannoli reference and the Improvenet Publications, individually or in combination, do not describe creating a fair and balanced distribution of consumer leads by selecting home service providers from the second dataset with the first computer who have a least number of consumer leads that were made available to the home service providers to form a third dataset, as recited in independent Claim 86.